

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MICHAEL L. MORGAN,  
Plaintiff,

v.

OCWEN LOAN SERVICING, LLC  
MORTGAGE ELECTRONIC  
REGISTRATIONS SYSTEMS, INC.  
and MERSCORP, INC.,  
Defendants.

CIVIL ACTION NO.  
1:10-CV-3555-AT

**AFFIDAVIT**

Before me, Howard R. Handville, personally appeared who, upon being duly cautioned and sworn deposes and sayeth as follows:

1. That he is a Loan Analyst for Ocwen Loan Servicing, LLC. ("Ocwen").
2. As Loan Analyst, Howard R. Handville has personal knowledge of the corporate records kept in the normal course of business by Ocwen with respect to the mortgage loan described below. This personal knowledge is based upon his performance of daily tasks as a Loan Analyst. Further, Howard R. Handville has reviewed corporate records kept in the normal course of business by Ocwen, and the information below is based upon his review of those business records. All such records created by Ocwen were made at or reasonably near in time to the event of which record is made. Said records, more fully set forth herein, reflect all information contained in this Affidavit regarding the mortgage described below.
3. Ocwen was the owner and loan servicer of the loan that is the subject of this Affidavit (the "Mortgage Loan") at the time of foreclosure sale.

Attached hereto as **Exhibit "A"** is a true and accurate copy of the original Note related to this Mortgage Loan.

Attached hereto as **Exhibit "B"** is a true and accurate copy of the Security Deed related to this Mortgage Loan.

4. The Security Deed is identified as follows:

Original Principal Amount: \$87,000.00

Date of Note and Security Deed: November 27, 2007

Grantee: Mortgage Electronic Registration System, Inc.

Lender: Guaranteed Rate, Inc.

Borrower: Michael L. Morgan

Property Address: 2691 Tamarack Drive, Jasper, Georgia 30143

County of Recording of Security Deed: Pickens County, Georgia

Book and Page of Recording of Security Deed: Book 801, Page 680

5. The Note, attached at **Exhibit "A"**, is a true and accurate copy of the original Note that was transferred to Ocwen from Taylor, Bean & Whitaker Mortgage Corporation ("Taylor, Bean & Whitaker").
6. The original Note, a copy of which is attached at **Exhibit "A"**, was originally made out to Guaranteed Rate, Inc.
7. Guaranteed Rate, Inc. assigned the Note to Taylor, Bean & Whitaker by Allonge, and the Note transferred to Taylor, Bean & Whittaker on November 27, 2007. The Allonge is attached to the Note contained in **Exhibit "A"**.
8. Taylor, Bean, & Whitaker Mortgage Corporation assigned its interest to Ocwen Loan Servicing, LLC. The Endorsement is contained on the third page of the Note, attached as **Exhibit "A"**.
9. The loan servicing transferred to Ocwen on December 16, 2009. Ocwen's internal loan servicing records, entitled "Comments Log" detail this date of transfer, and a portion of this log reflecting the loan transfer is attached at **Exhibit "C"**.
10. Since December 16, 2009 Ocwen has owned the original Note that was signed by Plaintiff Michael L. Morgan on November 27, 2007. When Ocwen took possession of the Loan, the original Note was held by Branch Bank and Trust ("BB&T ") as a custodian and corporate

Ocwen. Although BB&T possessed the Note physically, it did so solely as a custodian on behalf of Ocwen. BB&T did not have ownership rights of the Note at any time.

11. On August 11, 2011, this Note was sent by BB&T to Ocwen.
12. A foreclosure sale was conducted by Ocwen for the subject property on January 4, 2011. As of January 4, 2011, the Note had been assigned to Ocwen by Taylor, Bean & Whitaker and Ocwen was the holder of the Note. At this time of foreclosure, the Note was in the possession of BB&T as custodian for Ocwen. BB&T was acting as corporate fiduciary and held the Note on behalf of Ocwen on the date of foreclosure.
13. This original Note currently is in the possession of Ocwen's counsel McCalla Raymer, LLC as bailee during the course of this litigation. The original Note was sent to McCalla Raymer, LLC by Ocwen on March 14, 2012.
14. Attached at **Exhibit "D"** is an assignment of the Security Deed ("Assignment") from the Grantee MERS as nominee for Guaranteed Rate, Inc. to Ocwen that was executed on June 24, 2010.
15. Based on the Assignment of the Security Deed and endorsement of the original Note, Ocwen was the owner of the Note at the time of foreclosure.
16. The Due Date for this Mortgage Loan was August 1, 2009. Michael L. Morgan was in default on November 24, 2010, the date notice of foreclosure was sent to him by the law firm Weisman, Nowak. Michael L. Morgan was in default on the date of foreclosure, January 4, 2011.
17. On January 4, 2011, the Subject Property was sold at foreclosure sale auction on the courthouse steps of Pickens County, Georgia to the highest bidder in cash. The Deed Under Power is attached at **Exhibit "E"**.

FURTHER AFFIANT SAYETH NOT

OCWEN LOAN SERVICING, LLC

*Howard R. Handville*  
Howard R. Handville

STATE OF FLORIDA  
COUNTY OF PALM BEACH

SWORN TO AND SUBSCRIBED before me this 17<sup>th</sup> day of April 2012, by  
Howard R. Handville, who is personally known to me.

*Laurie Stevenson*  
NOTARY PUBLIC

My commission expires:

*11/11/14*



LAURIE STEVENSON  
MY COMMISSION # EE 041256  
EXPIRES: November 11, 2014  
Bonded Thru Budget Notary Services